

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE LITIGATION**

**MDL No. 1456**  
**Master File No. 01-CV-12257-PBS**  
**Subcategory Case. No. 06-11337**

**THIS DOCUMENT RELATES TO:**

**Hon. Patti B. Saris**

*United States of America ex rel. Ven-A-Care of the  
Florida Keys, Inc., et al. v. Dey, Inc., et al.,*  
Civil Action No. 05-11084-PBS

**DEY DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE FROM EVIDENCE  
THE REPORTS AND TESTIMONY OF STEPHEN W. SCHONDELMAYER**

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively “Dey”) respectfully move this Court to exclude from evidence the reports and testimony of Stephen W. Schondelmeyer, Pharm. D., Ph.D. The grounds for this Motion are set forth in the accompanying Memorandum of Law.

In support of this Motion, Dey submits the following: (1) Defendants’ Memorandum of Law in Support of their Motion *In Limine* to Exclude from Evidence the Reports and Testimony of Stephen W. Schondelmeyer; and (2) Declaration of Neil Merkl In Support of Defendants’ Motion *In Limine* to Exclude from Evidence the Reports and Testimony of Stephen W. Schondelmeyer.

Dated: March 24, 2010

Respectfully Submitted,

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L.P., Inc., and Dey, Inc.*

**LOCAL RULE 7.1 CERTIFICATION**

I certify that counsel have conferred pursuant to Local Rule 7.1(a)(2).

/s/ Neil Merkl  
Neil Merkl

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on March 24, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Neil Merkl  
Neil Merkl